

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KELVIN LEE WILLIS

Plaintiff,

VS.

INGRID KAYE STAMPS,
ET AL.

Defendants.

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NO. 3:07-CV-1741-M

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files and records in this case, and the Findings and Recommendation of the United States Magistrate Judge dated November 27, 2007, the Court finds that the Findings and Recommendation of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. However, the Court also notes that in his objections to the Findings and Recommendation of the United States Magistrate Judge, Plaintiff contends that I.M. Bircher ("Bircher") assigned all of his rights to Plaintiff in October of 2007, and that, thereafter, he, and not Bircher, is the owner of the judgment against Ingrid Kaye Stamps. Assuming the truth of that assertion, Plaintiff's claims are barred by *res judicata* because Bircher's claims are, and were before the assignment, barred by *res judicata*. Plaintiff cannot have obtained more from the assignment than the assignor could convey. If the assignor's claims were barred by *res judicata* at the time of the assignment, then the assignee's claims are barred by *res judicata*.

IT IS, THEREFORE, ORDERED that the Findings and Recommendation of the United States Magistrate Judge are accepted.

SO ORDERED this 12th day of December, 2007.


BARBARA M.G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS